

Appl. No. 10/696,671
Amdt. dated August 25, 2005
Reply to Office Action of August 9, 2005

PATENT

REMARKS/ARGUMENTS

Claims 1-27 are pending in the application. Claims 1-19 and 22-27 have been canceled without prejudice to subsequent revival. Applicants reserve the right to prosecute the canceled claims in a divisional application. Claims 20 and 21 have been amended. Claims 28-49 are new. No new matter was added by this amendment.

Amended claims 20 and 21 are supported, for example, on page 1, lines 16-17.

New claims 28, 31 and 36 are supported, for example, on page 30, line 30.

New claims 29 and 37 are supported, for example, on page 31, lines 1-11.

New claim 30 is supported, for example, on page 23, lines 23-25 and page 24, lines 4-10.

New claims 32 and 35 are supported, for example, on page 1, lines 16-17.

New claims 33 and 34 are supported, for example, on page 2, lines 12-13.

New claims 38-40 are supported, for example, on page 31, lines 9-11.

New claims 41-49 are supported, for example, on page 31, lines 1-11.

The Office Action restricts the invention into seven groups as follows:

Group I: Claims 1-10 and 15-17, drawn to an expression vector and isolated host cells, classified in class 435, subclass 325.

Group II: Claims 11-19 and 24-27, drawn to a transgenic bird and method of making the same, classified in class 800, subclass 19.

Group III: Claims 22-23, drawn to a method of making a chimeric bird, classified in class 514, subclass 44..

Group IV: Claims 20-21, drawn to an avian egg, classified in a class containing exogenous protein, class 119, subclass 6.8.

In compliance with the requirement, Applicants hereby elect to prosecute the invention of **Group IV**, drawn to an avian egg, classified in a class containing exogenous protein. The new claims 28-49 all read on the elected species.

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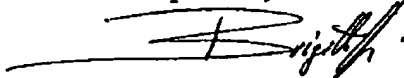
PATENT

The Office Action further indicates that **claims 17 and 21** are generic to a plurality of disclosed patentably distinct species, including human growth hormone, interferon, erythropoietin, immunotoxins and antibodies. The Examiner has required election of a single disclosed species. Claim 21 has been amended and no longer contains these species. However, new claims 29 and 37 include a plurality of disclosed species, including interferon. Thus, Applicants provisionally elect a single disclosed species, such as interferon. The Examiner is respectfully reminded that, upon allowance of a generic claim (*e.g.*, claim 20, claim 34), Applicants are entitled to consideration of claims to additional non-elected species which depend from the allowed generic claim, including interferon, antitrypsin, antithrombin III, collagen, factors VIII, IX, X, fibrinogen, hyaluronic acid, insulin, lactoferrin, protein C, tissue-type plasminogen activator, somatotrophin, cytokine antibody, human growth hormone, immunotoxin and chymotrypsin.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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